

1 Jahan C. Sagafi (Cal. Bar No. 224887)
2 Julia Rabinovich (Cal. Bar No. 290730)
3 OUTTEN & GOLDEN LLP
4 One Embarcadero Center, 38th Floor
5 San Francisco, CA 94111
Telephone: (415) 638-8800
Facsimile: (415) 638-8810
E-mail: jsagafi@outtengolden.com
E-mail: jrabinovich@outtengolden.com

6 Justin M. Swartz (admitted *pro hac vice*)
7 OUTTEN & GOLDEN LLP
8 3 Park Avenue, 29th Floor
9 New York, New York 10016
10 Telephone: (212) 245-1000
11 Facsimile: (646) 509-2060
12 E-mail: jms@outtengolden.com

10 Gregg I. Shavitz (admitted *pro hac vice*)
11 Susan H. Stern (admitted *pro hac vice*)
12 Paolo C. Meireles (admitted *pro hac vice*)
13 SHAVITZ LAW GROUP, P.A.
14 1515 S. Federal Hwy., Suite 404
15 Boca Raton, Florida 33432
Telephone: (561) 447-8888
Facsimile: (561) 447-8831
16 E-mail: gshavitz@shavitzlaw.com
17 E-mail: ssstern@shavitzlaw.com
18 E-mail: pmeireles@shavitzlaw.com

16 Michael J. Palitz (admitted *pro hac vice*)
17 SHAVITZ LAW GROUP, P.A.
18 30 3rd Avenue, 5th Floor
19 New York, NY 10022
Telephone: (800) 616-4000
Facsimile: (561) 447-8831
E-mail: mpalitz@shavitzlaw.com

Seth R. Lesser (admitted *pro hac vice*)
Fran L. Rudich (admitted *pro hac vice*)
KLAFTER OLSEN & LESSER, LLP
Two International Drive, Suite 350
Rye Brook, NY 10573
Telephone: (914) 934-9200
Facsimile: (914) 934-9220
E-mail: seth@klafterolsen.com
E-mail: fran@klafterolsen.com

*Attorneys for Plaintiffs JASON ZAJONC,
DENNIS FOWLER, and Proposed Class
Members*

Melinda Riechert, SBN: 65504
Jennifer Svanfeldt, SBN: 233248
Roberta Vespremi, SBN 225067
MORGAN LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105-1596
Telephone: (415) 422-1000
Facsimile: (415) 422-1001
E-mail: mriechert@morganlewis.com
E-mail: jsvanfeldt@morganlewis.com
E-mail: rvespremi@morganlewis.com

Attorneys for Defendants MORGAN STANLEY & CO. LLC, MORGAN STANLEY SMITH BARNEY LLC, and MORGAN STANLEY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO / OAKLAND DIVISION

22 JASON ZAJONC and DENNIS FOWLER,
23 individually and on behalf of all others
similarly situated.

Plaintiffs,

25 MORGAN STANLEY & CO. LLC,
26 f/k/a Morgan Stanley & Co. Incorporated,
27 MORGAN STANLEY SMITH BARNEY
LLC, and MORGAN STANLEY.

Defendants.

Case No. 14-cv-05563-EMC

Modified

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE FURTHER CASE
MANAGEMENT CONFERENCE**

Complaint Filed: December 19, 2014

STIPULATION

WHEREAS, the Court's November 24, 2015 Clerk's Notice (ECF No. 115) set the Further Case Management Conference ("CMC") for January 28, 2016;

WHEREAS, per the Parties' request, on January 21, 2016, the Court continued the CMC to February 11, 2016 (ECF No. 119);

WHEREAS, per the Parties' request, on February 5, 2016, the Court continued the CMC to March 10, 2016 (ECF No. 121);

WHEREAS, the Parties have continued to meet and confer regarding the litigation generally and the timing of the CMC specifically;

WHEREAS, the Parties still do not currently have ripe issues for discussion but expect that an additional continuance of the CMC to March 24, 2016, will allow for a more meaningful discussion;

WHEREAS, this is the Parties' third request to postpone the CMC;

WHEREAS, Plaintiffs' motion for Rule 23 class certification is currently due by April 7, 2016;

WHEREAS, the Parties' agreements regarding discovery priorities and discovery deadlines make it impracticable for briefing on the class certification motion to be conducted in April;

WHEREAS, the Parties further request that the Court vacate all currently-calendared dates, allow the Parties to propose new dates in the next CMC Statement, and reset those dates at the next CMC; and

WHEREAS, the requested continuance of the CMC will not otherwise affect the schedule for the case.

ACCORDINGLY, THE PARTIES HEREBY STIPULATE AND AGREE to continue the CMC currently scheduled for Thursday, March 10, 2016 to Thursday, March 24, 2016. The Parties further agree that all currently-calendared dates be vacated. The Parties will submit an updated Case Management Statement seven days before the rescheduled CMC date.

IT IS SO STIPULATED.

1 Dated: March 2, 2016

2 By: /s/ Jahan C. Sagafi
3 Jahan C. Sagafi

4 Jahan C. Sagafi (Cal. Bar No. 224887)
5 Julia Rabinovich (Cal. Bar No. 290730)
6 OUTTEN & GOLDEN LLP
7 One Embarcadero Center, 38th Floor
8 San Francisco, CA 94111
9 Telephone: (415) 638-8800
10 Facsimile: (415) 638-8810
11 E-mail: jsagafi@outtengolden.com
12 E-mail: jrabinovich@outtengolden.com

13 Justin M. Swartz (admitted *pro hac vice*)
14 OUTTEN & GOLDEN LLP
15 3 Park Avenue, 29th Floor
16 New York, New York 10016
17 Telephone: (212) 245-1000
18 Facsimile: (646) 509-2060
19 E-mail: jms@outtengolden.com

20 Gregg I. Shavitz (admitted *pro hac vice*)
21 Susan H. Stern (admitted *pro hac vice*)
22 Paolo C. Meireles (admitted *pro hac vice*)
23 SHAVITZ LAW GROUP, P.A.
24 1515 S. Federal Hwy., Suite 404
25 Boca Raton, Florida 33432
26 Telephone: (561) 447-8888
27 Facsimile: (561) 447-8831
28 E-mail: gshavitz@shavitzlaw.com
E-mail: sstern@shavitzlaw.com
E-mail: pmeireles@shavitzlaw.com

1 Michael J. Palitz (admitted *pro hac vice*)
2 SHAVITZ LAW GROUP, P.A.
3 30 3rd Avenue, 5th Floor
4 New York, NY 10022
5 Telephone: (800) 616-4000
6 Facsimile: (561) 447-8831
7 E-mail: mpalitz@shavitzlaw.com

8 Seth R. Lesser (admitted *pro hac vice*)
9 Fran L. Rudich (admitted *pro hac vice*)
10 KLAFTER OLSEN & LESSER, LLP
11 Two International Drive, Suite 350
12 Rye Brook, NY 10573
13 Telephone: (914) 934-9200
14 Facsimile: (914) 934-9220
15 E-mail: seth@klafterolsen.com
16 E-mail: fran@klafterolsen.com

17 *Attorneys for Plaintiffs and Proposed Class
18 Members*

1 Dated: March 2, 2016

2 By: /s/ Melinda S. Riechert
3 Melinda S. Riechert

4 Melinda S. Riechert
5 Jennifer Svanfeldt
6 Roberta H. Vespremi
7 MORGAN LEWIS & BOCKIUS LLP
8 One Market, Spear Street Tower
9 San Francisco, CA 94105-1596
10 Telephone: (415) 422-1000
11 Facsimile: (415) 422-1001
12 E-mail: mriechert@morganlewis.com
13 jsvanfeldt@morganlewis.com
14 rvespremi@morganlewis.com

15 *Attorneys for Defendants*

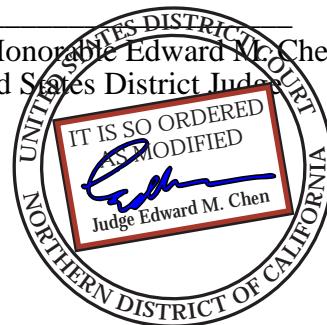
16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The Further CMC is reset
17 to Weds. 3/23/16 at 4:00 pm*

18 Dated: March 4, 2016

19 *Class certification schedule
20 previously set remains in place.

21 Court to discuss schedule at the 3/23/16
22 CMC. An updated joint CMC statement
23 shall be filed by 3/16/16.

24
25
26
27
28
The Honorable Edward M. Chen
United States District Judge



1 **ATTESTATION OF SIGNATURE**

2 Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence
3 in the filing of this document has been obtained from the other signatory above.
4

5 DATED: March 2, 2016

6 OUTTEN & GOLDEN LLP

7 By: /s/ Jahan C. Sagafi

8 *Attorneys for Plaintiffs and Proposed Class
9 Members*

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28